

Before the  
Federal Communications Commission  
Washington, D.C. 20554

SEP 27 9 14 PM '05

In the Matter of )

)  
Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.  
(Cridersville, Ohio)

)  
)  
) MB Docket No. 04-343  
) RM-10799  
)

**REPORT AND ORDER****(Proceeding Terminated)****Adopted: September 23, 2005****Released: September 26, 2005**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* ("Notice")<sup>1</sup> issued at the request of Dana J. Puopolo ("Petitioner") requesting the allotment of Channel 257A at Cridersville, Ohio, as its first local service. Petitioner and Bluffton University, licensee of Station WBWH-LP, Channel 257L1, Bluffton, Ohio, filed comments. No other comments or counterproposals were received in this proceeding.

2. **Background.** The *Notice* proposed the allotment of Channel 257A at Cridersville, Ohio, as its first local service. As stated in the *Notice*, Cridersville is an incorporated community located in Augalize County with a 2000 U.S. Census population of 1,817 persons. Petitioner filed comments stating his intentions to file an application to activate Channel 257A at Cridersville, if allotted.

3. Bluffton University filed comments stating that the allotment of Channel 257A at Cridersville will force Station WBWH-LP to cease operation because the LPFM station would cause interference to the Cridersville allotment. Bluffton University recognizes that LPFMs are secondary to FM commercial stations. Bluffton University states that preliminary inquiry reveals that two other channels are available at Station WBWH-LP's authorized site that may meet the minimum spacing requirements of Section 73.807 of the Commission's rules. As such, the entity requests that we set forth the procedures to follow in the context of this proceeding.

4. **Discussion.** We find that the public interest would be served by allotting Channel 257A at Cridersville, Ohio, as its first local service. As discussed in the *Notice*, Channel 257A can be allotted consistent with the Commission's minimum spacing requirements, provided there is a site restriction of 11.8 kilometers (7.3 miles) north at reference coordinates 40-45-20 NL and 84-06-39 WL. The site restriction is necessary to prevent short-spacing to the licensed site of Station WBYP(FM), Channel 255B, Van Wert, Ohio. This allotment is located with 320 kilometers (199 miles) of the U.S.-Canadian border. The Canadian government has concurred to the use of this allotment.

5. Bluffton University requests that we set forth the procedures that LPFM Stations should follow for instances where potential interference to newly allotted FM channels may occur. A LPFM

<sup>1</sup> *Cridersville, Ohio*, 19 FCC Rcd 16628 (MB 2004).

licensee may file a modification application changing its frequency to prevent potential interference to a newly allotted FM channel upon the effective date of the *Report and Order*.<sup>2</sup> Alternatively, the FCC staff will notify the affected LPFM licensee during the processing of the application implementing the auctioned FM commercial channel.<sup>3</sup> As such, the LPFM licensee will be given an opportunity to file a technical showing demonstrating that the LPFM station would not cause interference to the new FM commercial station. The LPFM licensee may, otherwise, file a modification application changing its frequency to prevent the interference.

6. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

7. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective November 10, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Cridersville, Ohio	257A

8. The window period for filing applications for Channel 257A at Cridersville, Ohio will not be opened at this time. Instead, the issue of opening the allotment for auction will be addressed by the Commission in a subsequent order.

9. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

10. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

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<sup>2</sup> See 47 C.F.R. § 73.870(a)

<sup>3</sup> See 47 C.F.R. § 73.809(d).